

REMARKS

Claims 1-39 are pending in the application.

Claims 1-39 stand rejected.

Claims 1, 10, 25 and 34 have been amended. No new matter has been added. Support for these amendments can be found, at least, within paragraph [0027] of the Specification.

*Rejection of Claims Under 35 U.S.C. § 103*

Claims 1-39 stand rejected under 35 U.S.C. § 1039a) as being unpatentable over U.S. Patent No. 5,903,718 issued to Marik (“Marik”) in view of U.S. Patent No. 7,296,187 issued to Fritz et al. (“Fritz”). Applicants respectfully traverse this rejection.

Amended independent claim 1 recites, in pertinent part:

providing a debugger agent, wherein  
the debugger agent is configured to select a debugger program suitable for a device under test, wherein  
**the debugger agent is further configured to select the debugger program from a plurality of debugger programs, and**  
the device under test is configured to execute a program under test;  
causing the debugger agent to load the debugger program into the device under test;  
sending a plurality of test commands to the device under test according to a test script; and  
activating the debugger program when a watched event occurs during execution of the program under test.

*See, e.g.*, claim 1 (emphasis added). Amended independent claims 10, 25 and 34 each contain limitations comparable to those of amended independent claim 1.

Applicants respectfully submit that neither Marik nor Fritz, taken alone or in permissible combination, make obvious the claimed invention, for at least the reason that neither Marik nor Fritz show, teach or suggest a process of selecting a debugger program from a plurality of debugger programs. Marik presents only a single instance of target system source code to be downloaded into the target device. Further, the Office Action cites Fritz only for the concept of a script; however, the addition of the concept of a script, even if Fritz could be cited as showing, teaching or suggesting such a concept (a point which Applicants do not concede), does not cure the deficiencies of Marik. This is at least because introducing scripts to Marik fails to show, teach or suggest the claimed selecting a debugger program from a plurality of debugger programs.

The Office Action cites the following passage of Marik for the proposition that Marik shows the claimed selection of a debugger program:

According to the present invention, a remote program monitor method and system using a system-under-test microcontroller for self-debug comprises a system-under-test (SUT) that includes a read-only memory (ROM) and a microcontroller for executing a program under test. The microcontroller has an interrupt input, wherein one or more enable debugger signals received at the interrupt input causes the microcontroller to execute a debugger program contained in the ROM.

Marik, 2:23-31.

The Office Action posits that the above passage from Marik “shows a debugger program suitable for a device under test, and note that the debugger agent is implicitly configured to select the debugger program.” Office Action pp.2-3. Even if the Office Action were correct in equating the cited portions of Marik with the claimed debugger agent selecting a debugger program (a point which Applicants do not concede), Marik

unquestionably fails to show, teach or suggest the selection of a debugger program from among a plurality of debugger programs.

Moreover, Applicants note that the Office Action only argues that the cited passages of Marik implicitly teaches the selection of a single debugger program. Any claim that Marik somehow shows, teaches or suggests the claimed debugger agent selecting a debugger program from a plurality of debugger programs is even more tenuous than the Office Action's original argument. Even if it could be successfully argued that Marik somehow implicitly shows, teaches or suggests the selection of a debugger program to download (an argument the Applicants do not concede), Marik is only cognizant of the downloading of a single program under test (notwithstanding the fact that Marik's program under test is not a debugger program). The need for or ability to download multiple programs of any type is not shown, taught or suggested by Marik. Thus, Applicants respectfully submit that the Office Action fails at least with regard to this argument because Marik neither explicitly nor implicitly teaches or contemplates the claimed selection of a debugger program from a plurality of debugger programs.

Fritz, correctly, is not cited in this regard. Fritz, too, fails to show, teach or suggest the claimed selection of a debugger program from a plurality of debugger programs. Thus, neither Marik nor Fritz, taken alone or in permissible combination, can be said to teach or even contemplate the limitations of independent claims 1, 10, 25 and 34.

For at least these reasons, Applicants respectfully submit that neither Marik nor Fritz, alone or in combination, make obvious amended independent claims 1, 10, 25, and 34, as well as dependent claims 2-9, 11-24, 26-33, and 35-39, and that these claims are in

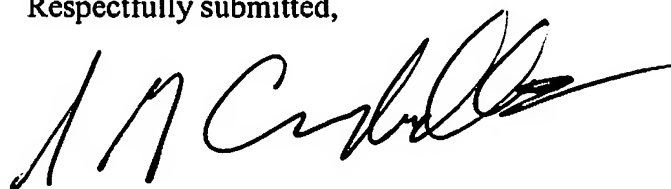
condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. G. Campbell, III', with a stylized flourish at the end.

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